

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 2, 3, 6, 10, 11, 12, 13, 14, 17, 18, 19, 25, 27, 29, 30, 31, 32, 35, 36, and 39 are currently amended. Claims 5, 7, 8, 9, 21, 22, 23, 24, 26, and 34 are original. Claims 4, 15, 16, 20, 28, 33, 37, and 38 are canceled without prejudice. Claims 40 and 41 are new. Consequently, claims 1-3, 5-14, 17-19, 21-27, 29-32, 34-36, and 39-41 are pending.

Office's Response to Arguments

In the *Response to Arguments* section of the Office Action, the Office notes that an interview with the Office was conducted on February 8th, 2006, which Applicant mistakenly stated was conducted on January 8th, 2006. Applicant thanks the Office for correcting Applicant's error.

Also in this section, the Office states that Applicant indicated that the claims were intended to reflect a workload request timeline as well as a dynamic scheduling policy. Applicant notes that some of the claims *as originally filed* reflect workload request nodes having a sequential relationship and a scheduling policy.

In Applicant's prior response, which follows the noted interview of February 8th, 2006, Applicant respectfully submitted that the Office had not established a *prima facie* case of anticipation and did not amend the independent claims. In the current Action the Office maintains its prior rejections under 102. While Applicant maintains that the Office has not established a *prima facie* case of

1 anticipation in rejecting the claims, Applicant amends the independent claims to
2 clarify Applicant's invention in the interest of expediting prosecution.

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4 **Claim Rejections under 35 U.S.C. §102**

5 Claims 1-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by
6 the Papaefstathiou reference.

7 Applicant amends the claims in the interest of expediting allowance of the
8 application and without conceding the propriety of the rejections. Applicant's
9 attorney understood the Examiners to agree that the claims as amended overcome
10 the Office's rejection under 102, though the Examiners indicated that they may
11 need to update their search.

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Conclusion

14 Claims 1-41 are in condition for allowance. Applicant respectfully requests
15 reconsideration and prompt allowance of the subject application. If any issue
16 remains unresolved that would prevent allowance of this case, the Examiner is
17 requested to contact the undersigned attorney to resolve the issue.

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Respectfully Submitted,

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Date: 24 July 06

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